

Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Kjell Jenkins	Yes
Council Member Don Dafoe	Absent
Council Member Craig Greathouse	Absent

Following the voting on the motion, the Resolution was signed by Mayor Grant Nielson and attested by Delta City Recorder Dorothy Jeffery.

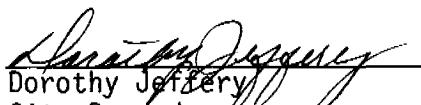
SUGAR FACTORY ANNEXATION

Mayor Nielson explained to the Council that Don Bird and Craig Greathouse were the persons that had been working on the Sugar Factory Annexation Project, and with neither of them present, this item would have to be placed on a future agenda.

Mayor Nielson then asked if there were any further questions or comments that needed to be discussed at the meeting. There being none, Council Member Kjell Jenkins MOVED the meeting adjourn. The motion was SECONDED by Council Member Neil Dutson and was approved unanimously. The meeting adjourned at 8:20 p.m.

  
Grant S. Nielson, Mayor

Attest:

  
Dorothy Jeffery  
City Recorder

REGULAR CITY COUNCIL MEETING

AUGUST 13, 1984

PRESENT:

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member
Ruth Hansen	Council Member
Kjell Jenkins	Council Member

ABSENT:

None

OTHERS PRESENT:

Jim Allan	City Manager
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Neil Forster	Public Works Superintendent
Laura Burnham	Parks & Recreation Director
Greg Cooper	City Chief of Police
Ralph Stoneking	Police Sergeant
Roger Young	Police Officer
Morris Burton	Police Officer
John Quick	City Engineer
Dean Bennett	M.E.A. Credit Union
Sharon Clark	M.E.A. Credit Union
Ken Topham	Millard School District Supt.
Frank Baker	County Resident
Clark Hardy	Delta City Lions
Tom Hamilton	U.S. Postal Service
Martin Ludwig	City Resident
Jane Beckwith	City Resident
Pat Manis	Millard School District Board Member
Scott Nickle	City Resident
Mrs. Jim Todd	City Resident
Jim Todd	City Resident
Jim Fletcher	KNAK Radio Station

Others were in attendance who did not sign the roster.

Mayor Grant Nielson called the meeting to order at 7:00 p.m. and stated that Notice of the meeting time, place and agenda was posted at the principle office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two (2) days prior to the meeting.

ACCOUNTS PAYABLE

The Council discussed the Accounts Payable, which were included in their packets. Council Member Craig Greathouse MOVED to pay the current bills as listed in the amount of \$2,826.83. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

MINUTES

The minutes of a regular City Council meeting held July 16, 1984, were reviewed and corrected. Council Member Don Dafoe MOVED to adopt the minutes as corrected and Council Member Ruth Hansen SECONDED the motion, which carried unanimously.

TOM HAMILTON, U.S. POSTAL SERVICE: LETTER REGARDING U.S. POST OFFICE BOXES

U.S. Post Office Manager Tom Hamilton presented a copy of the proposed easement agreement between the U.S. Postal Service and Delta City for mail boxes, NBU, to be located on Delta City property in the White Sage Development Area. He pointed out that this request was to install and to use the City's right-of-way.

Mr. Hamilton pointed out the 8 proposed locations where they wished to locate the NBUs on a map. He explained that a cement slab 30 inches wide and 60 inches long would be around the NBUs, plus any additional cement that may be required to provide the necessary safety conditions.

Mr. Hamilton stated the U.S. Postal Service's contractor would be responsible for the excavating, pouring the concrete slab and restoring the areas to the existing conditions. The top soil would be provided for growing grass where needed and the compaction requirements would be met to prevent settlement in the NBU areas.

Council Member Kjell Jenkins suggested that City Attorney Warren Peterson should review the proposed easement contract to ensure that proper liabilities are determined.

The Council discussed the different liabilities that could occur. Mr. Hamilton agreed that the proper language would need to be included in the contract to cover these liabilities. City Attorney Warren Peterson agreed to make the necessary changes in the easement contract so that it could be presented for approval at the next City Council meeting.

Council Member Neil Dutson MOVED to approve the proposed easement contract subject to City Attorney Warren Peterson's revisions and to authorize Mayor Nielson to sign the contract when City Attorney Peterson has made the necessary changes. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

City Attorney Warren Peterson reviewed with the Council the status of the street dedication in the White Sage Area.

PARKS & RECREATION DIRECTOR LAURA BURNHAM: FEES FOR PARK EQUIPMENT AND FACILITIES

Parks and Recreation Director Laura Burnham presented a proposed facility rental fee schedule, which was as follows:

DELTA CITY PARKS & RECREATION  
PROPOSED FACILITY RENTAL FEES

1.	Community Center	Daily	Non-profit	\$ 60.00	Profit	\$ 80.00
	Kitchen/Activity Rm.	Hourly		8.00		10.00
	Game Room			6.00		8.00
	Arts & Crafts			6.00		8.00

2.	Pavillion	4 hr time	10.00	15.00
	7-11 am			
	12-4 pm			
	5-9 pm			
3.	Softball Diamonds	Daily/no lights	40.00	60.00
	(per field)	Daily/with lights	60.00	80.00
		Hourly/no lights	8.00	10.00
		Hourly/with lights	20.00	30.00
4.	Concession Stand	Daily	40.00	60.00
5.	Tennis Courts	Daily	40.00	60.00
		Hourly	6.00	8.00
6.	Volleyball	Daily	40.00	60.00
		Hourly	6.00	8.00

There was a brief discussion held on the fees proposed.

Laura explained that the maintenance on the facilities at the Park is very expensive and that the only time a fee would be charged would be when the facility was reserved.

City Attorney Peterson commented that it would be difficult to define a profit and non-profit organization.

Council Member Neil Dutson MOVED to adopt some standards to allow for the fees to be set.

Mayor Grant Nielson asked for Warren's recommendations and suggested that at least two (2) Council members meet with Laura to come up with recommendations for the Council.

Council Member Neil Dutson withdrew his motion.

Council Member Craig Greathouse MOVED to appoint Neil Dutson and Don Dafoe to work with the Parks & Recreation Director and the Advisory Board for the cost control. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

PARKS AND RECREATION DIRECTOR LAURA BURNHAM: LITTLE LEAGUE FOOTBALL

Parks and Recreation Director Laura Burnham expressed that she presently feels the City has a great liability with the little league football program for the following reasons:

- (1) If the parents are responsible for providing each of their children with a helmet and shoulder pads, there is no standard set by the Parks and Recreation Department or by the City as to what type of helmet or shoulder pads the child should have. It does not state that their equipment has to be new; it does not state who is responsible for

maintaining the equipment; and it does not state what quality of equipment should be provided. It says provide them with - and put them on the field.

Ms. Burnham stated that her biggest fear is that parents with no knowledge of football may buy their child a \$5 helmet and \$5 shoulder pads and put them on the field with other children whose parents have provided them with the best helmets and shoulder pads.

(2) The City does not properly fit the child to the helmet or shoulder pads. The City does not even insure that the child has the right helmet or shoulder pads for the position they play. The Parks and Recreation Department does not maintain this equipment, so children are allowed to play with broken face masks, shoulder pads, etc.

(3) Right now there is no program offered in our community that assists the child with the fitness level necessary. There is no training camp, weight lifting course, etc.

City Parks and Recreation Director Laura Burnham proposed that the City either discontinue the little league football program and turn it over to a private league, or provide the necessary money to insure proper fitting equipment, such as helmets and pads.

Council Member Neil Dutson asked why we couldn't explain the problem to the parents and let them buy the equipment.

Ms. Burnham asked the Council if they felt the program included qualified coaches and officials to run this program.

City Attorney Warren Peterson voiced his concerns with having a contact sport under the City's jurisdiction. Warren recommended that contact sports be eliminated from the City's recreation program.

Council Member Neil Dutson MOVED that the little league contact football be eliminated from the Parks and Recreation Department. Council Member Ruth Hansen SECONDED the motion. The motion carried with Council Member Craig Greathouse abstaining.

City Attorney Warren Peterson's recommendation was to have no connection with the program as Delta City because cities are becoming a "deep pocket" in litigation terms. They have insurance coverage, tax ability, and money that a plaintiff can resort to in order to recover a judgment and the types of connections that are being required to bring cities into a liability situation are very minimal. He suggested that the Parks and Recreation Department wish the people that are going to run it luck and thank them for rendering the service to our community, and then stay completely out of this program.

CLARK HARDY: LIONS CLUB PARK PROPOSAL

Clark Hardy, Delta City Lions Club, stated the reason he had come before the Council was to request that the east side of the park on First West, North of Main Street, be named the Delta Lions Park and that the Lions put up one or two signs on First West Street.

Mr. Hardy stated the Lions will do the following: (1) Keep the pavillion painted, (2) Keep picnic tables painted and repaired as needed, (3) Keep the two tennis courts painted and lights repaired, (4) Light trimming of trees and shrubs, (5) Keep playground equipment working and help bring new playground equipment to the park, and (6) Other special projects the City may need in the park, if the Lions have the means to do so.

Mr. Hardy explained the six steps to a good Lions Club:

1. Major service activity.
2. Major fund raising activity.
3. Strong public relations programs - having two signs on the park and keeping the park in an orderly proud manner would give the Lions a good public relations program.
4. Well organized club meetings - As many as necessary would be work meetings on the park. This would help well organized meetings.
5. Team spirit - This would give the club a sense of strong spirit in keeping the park in the manner we would like to keep it in. It would also promote pride in the park.
6. Strong membership growth and development - New members would know that the park is our responsibility in the areas mentioned.

Mr. Hardy pointed out that 5 of the 6 steps to a strong Lions Club could and should be improved by the adoption of this proposal.

Mr. Hardy stated that the Delta Lions built the pavillion, picnic tables, and the Lady Lions put in the water fountain on the east side of the park. He stated that this year the Delta Lions will have their 55th anniversary as a club. "55 years of service to the City of Delta." Mr. Hardy stated that it is fitting that the east side of the park be named the Delta Lions park for what has been done in the past, but it is also fitting because of the service that will be provided in the future.

Mayor Nielson recommended the Council approve Mr. Hardy's proposal and expressed the need for more service organizations that want to give their services and take on challenges. The Mayor further stated that to put their name on the park was a very small thing to ask for, considering what the Lions Club would give in services.

Council Member Kjell Jenkins MOVED to designate the east portion of the park north of Main Street as the Delta Lions Park. Council Member Don Dafoe SECONDED the motion. The voting went as follows:

Kjell Jenkins	Yes
Neil Dutson	No
Craig Greathouse	No
Ruth Hansen	No
Don Dafoe	Yes

The motion did not pass.

JANE BECKWITH: PROPOSAL OF UTAH HISTORICAL FUNDS

Jane Beckwith told the Council there is a grant for Historical Society from Federal Government that is called the Local Government Certification Process. The City can apply for the grant. She pointed out that the local government certification procedure requires two things. (1) The City occupant has to pass an ordinance that talks about our concern for preserving our history. (2) A panel needs to be created, a committee that would be a governing or advisory body.

Jane stated that we could apply for a grant through the Historical Society and that last year every applicant was awarded at least \$1,000.00. She stated that the grant has to be a matching grant, not in money, but in time, services, etc.

Jane told the Council that the Library Board has shown great interest and could serve as an interim board until another board is established.

The application deadline for the grant is October 1, 1984. Jane also stated that she had a model ordinance that City Attorney Peterson could use to draw up Delta City's ordinance.

Council Member Don Dafoe MOVED to establish a Historical Board and instruct the City Attorney to review the model ordinance and prepare the document and submit it to the City Council for final approval. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

Mayor Nielson thanked Ms. Beckwith for her time and presentation.

JIM TODD: COMPLAINT ON STREETS

Jim Todd introduced himself and explained that he had lived in Delta for about one year and a half. He stated that he works for IPSC, has a family, children and lives in the Delta Manor Apartments.

Mr. Todd stated "The roads are terrible." He then presented a document of 152 signatures of people who wanted something done with the roads.

Council Member Don Dafoe asked Mr. Todd if he were aware of the Road Improvement Project.

credit union shall be subject to taxation to the same extent as other similar property is taxed. This section does not exempt credit unions from sales or use taxes.

Mr. Bennett explained that they felt it was important to know if the business license was a taxation issue, franchise tax, or if the city is assessing these fees as a way of generating revenue. In all of these cases it is a form of taxation from which the Utah Code indicates a credit union is exempt.

City Attorney Warren Peterson stated he had contacted several professionals in fields relating to this issue. He stated that the Attorney General's office had stated that credit unions are not exempt from specific fees such as the corporate registration fee. Their interpretation has been that credit unions are exempt from taxation, but not such things as the corporate franchise fee in Utah. They were not familiar with court cases on the other jurisdictions.

City Attorney Warren Peterson stated that Bruce Richards was familiar with these other jurisdictions and in his opinion Delta City could impose a business license fee on credit unions but not a business license tax.

City Attorney Peterson stated that in concurrence the City could charge the credit union a fee, but it had to be based on some sort of registration type deed, rather than a revenue tax. He stated that it would have to be determined what portion was assessed for registration and what portion is taxation.

After a discussion, Mayor Nielson recommended to bring back this issue next week after researching the fees assessed for business licenses.

Council Member Don Dafoe MOVED to table this matter until next week. Council Member Craig Greathouse SECONDED the motion, which carried unanimously.

CITY ATTORNEY WARREN PETERSON: PROPOSED RESOLUTION FOR PROPERTY TAX MILL LEVY

The Council reviewed the proposed resolution with blanks provided to insert the 1984-85 mill levy.

City Manager Jim Allan explained the work sheets and stated that the City would have to choose the lower mill levy that was arrived at on the work sheets. There was a lengthy discussion regarding the mill levy and the work sheets.

City Attorney Warren Peterson asked how much of the mill levy is being set into the general fund and how much into the bond retirement. He pointed out that there is an outstanding general obligation bond.

After a brief discussion, Council Member Kjell Jenkins MOVED to adopt Resolution No. 84-112 and set the mill levy at 9.01, 7.01 going into the general fund and 2.00 going to general obligation bonds. Resolution No. 84-112 is entitled:

A RESOLUTION ESTABLISHING AND SETTING THE REAL AND PERSONAL PROPERTY MILL LEVY FOR FISCAL YEAR 1984-85 FOR PROPERTY WITHIN THE JURISDICTION OF THE CITY OF DELTA, UTAH.

The Mayor asked for a roll call vote, which went as follows:

Don Dafoe	Yes
Neil Dutson	Yes
Craig Greathouse	Yes
Ruth Hansen	Yes
Kjell Jenkins	Yes

Following the voting the Resolution was signed by Mayor Grant Nielson and attested by City Recorder Dorothy Jeffery.

CITY ATTORNEY WARREN PETERSON: UP&L REQUEST TO VACATE ALLEY AT 350 WEST BETWEEN 350 NORTH AND 400 NORTH

City Attorney Warren Peterson stated that Utah Power & Light Company has requested that the city vacate the alley that leads into their pole yard, located at 350 West between 350 North and 400 North. City Attorney Peterson stated that this was one of the roads in Delta City that was in pretty good condition.

Mayor Grant Nielson explained that Utah Power & Light Company would like to put a fence around their pole yard.

Council Member Don Dafoe MOVED to authorize Attorney Peterson to draft an ordinance vacating the alley at 350 West between 350 North and 400 North. Council Member Kjell Jenkins SECONDED the motion, which carried unanimously.

City Attorney Warren Peterson pointed out that in order to vacate a street a petition must be signed by the adjoining property owners or a notice of the intent to vacate must be published for 4 weeks before holding a public hearing. He suggested that the City publish the intended street vacation for 4 weeks and hold a public hearing. He also recommended that Utah Power & Light Company pay for the street vacation.

MAYOR GRANT NIELSON: WATER DEDICATION FOR DELTA ESTATES

Mayor Grant Nielson stated that Rex Day felt he had paid for all the hook-up fees and water dedication on the south side of Millard Street in Delta Estates prior to its annexation. Mr. Day felt that when they were allowed to hook up to the City water everything was paid for.